

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 7-14 are all the claims pending in the application. It is respectfully submitted that the pending claims define patentable subject matter.

Claim Rejections - 35 USC § 102/103

Claims 9, 11, and 12 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as allegedly obvious over Cammarota and thereby, by incorporation, Timmons '211. Claim 8 is rejected under 35 U.S.C. 103(a) as allegedly obvious over Cammarota et al '119 and thereby, by incorporation, Timmons '211.

Applicants argued that Cammarota fails to disclose all of the claimed layers in the order that is claimed. Specifically, the binder with the information mark particles dispersed therein disclosed in Cammarota and Timmons, does not correspond to a resin layer and an information mark layer as separate layers, and therefore Cammarota does not disclose a hydrophilic resin coating layer between the water vapor permeable waterproof sheet and the absorbent (see Amendment of June 23, 2010, pages 9 and 10).

In response, the Examiner alleges that Cammarota discloses the use of an adhesive which corresponds to the resin layer, and graphics disposed on an interior of the outer cover which corresponds to the water-indicator layer as a separate layer from the resin layer (Office Action, page 3).

However, the adhesive is not hydrophilic and therefore cannot correspond to the claimed hydrophilic resin coating layer, and thus Cammarota does not disclose all of the claimed layers in the order that is claimed.

In the portions of Cammarota cited by the Examiner, Cammarota discloses that the liquid permeable outer layer and the liquid impermeable inner layer may be joined together by an adhesive (column 15, lines 21-22). However, Cammarota does not disclose (explicitly or inherently) that this adhesive is hydrophilic.

In fact, it would be disadvantageous for the adhesive to be water-soluble as is the binder disclosed in Timmons. Unlike the water-soluble binder with the coloring agent dispersed therein, the adhesive between the outer and inner layers in Cammarota should not “migrate easily with body fluid when wetted” (see Timmons, column 3, lines 30-40 describing the water-soluble binder and coloring agent). In other words, it would be undesirable for the adhesive to migrate away from its intended location upon contact with body fluids. Thus, the adhesive layer disclosed by Cammarota is not explicitly or inherently hydrophilic.

Moreover, the order of layers in Cammarota is not the same as the claimed order of layers. Cammarota discloses that this adhesive layer is between the inner and outer layers 114, 116 of the cover 40, that the active graphics are located on an interior surface of the outer cover 40, and that an absorbent 44 is located between the outer cover 40 and a liner 42 (i.e., on an interior of the liquid impermeable inner layer) (see column 14, lines 25-30; column 16, lines 28-29; and column 15, lines 20-22). That is, the order of the layers in Cammarota is as follows: the liquid permeable outer layer 114, an adhesive (not shown), the liquid impermeable inner layer 116, the active graphics, the absorbent 44, and the liner 42.

Therefore, the adhesive, i.e., the alleged resin layer, is not between the liquid permeable outer layer 116 and the absorbent 44.

In addition, there is no indication that the adhesive would be disposed only on a portion of the layers. In other words, even if the adhesive corresponds to the claimed hydrophilic resin coating layer (which Applicants do not believe), there is no disclosure or suggestion that a portion of the article would not include the adhesive between the layers, i.e., there is no second portion on which the hydrophilic resin coating layer is not provided on the water vapor permeable waterproof sheet.

Therefore, the adhesive disclosed by Cammarota as joining the outer and inner layers 114, 116 of the cover 40 cannot correspond to the claimed hydrophilic resin coating layer because the adhesive is not hydrophilic, and furthermore, because the layers of Cammarota are not in the claimed order. As such, claim 11 is patentable over Cammarota (and Timmons by incorporation).

Claims 8, 9, and 12 are patentable over Cammarota at least by virtue of their dependency on claim 1.

Claim 7 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Cammarota (and Timmons) in view of Ikeda et al (U.S. 2003/0148091; hereinafter "Ikeda").
Claim 10 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Cammarota (and Timmons) in view of Kolfia et al. (U.S. 2003/0154904; hereinafter "Kolfia") and Yubuki et al. (U.S. 2002/0061595; hereinafter "Yubuki").

None of Ikeda, Kolfta, and Yubuki remedy the deficiencies discussed above relating to Cammarota. Therefore, claims 7 and 10 are patentable at least by virtue of their dependency on claim 11.

Added Claims

Applicants have herein added new claims 13 and 14, which are patentable both by virtue of their dependencies and for the features recited therein. No new matter has been added.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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